

REMARKS/ARGUMENTS

Claims 1-16 were presented for examination and are pending in this application. In an Official Office Action dated August 24, 2006, claims 1-16 were rejected. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Rejection of the Claims under 35 U.S.C. §102(e)

Claims 1-3, 10-11, and 13-16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,230,319 by Britt et al. ("Britt"). Applicant respectfully traverses these rejections in light of the following remarks.

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir.1987). "The identical invention must be shown in as complete detail as contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The claims as currently amended recite features lacking in the applied references. For example, independent claim 1 (and claim 10 in varying language) recites, among other things, "identifying a configuration parameter associated with the occurrence of said communication error...." Britt fails to identify a configuration parameter associated with an identified communication error.

Britt appears to teach the implementation of browser software in a processing system housed in a television set-top box (Web-TV). The system of Britt discloses a means for storing information (data), detecting an interruption in the downloading process, and sustaining operations in the processing system for a predetermined time interval following the interruption. See Britt Col. 3, lines 2-8. When a download interruption occurs (communication error) due to a power failure, system reset or other problem, the system can verify the data downloaded using a conventional checksum technique to determine whether the data is valid. When found invalid, the data is replaced with new, valid data automatically. See Britt Col. 8, lines 20-39.

Lacking in Britt is any discussion, teaching or suggestion of the identification of a configuration parameter associated with the occurrence of the communication error. Furthermore, Britt is silent with respect to obtaining corrected configuration data relating to the configuration parameter that is associated with the occurrence of the communication error. And finally Britt fails to disclose automatically installing the corrected configuration data to restore communications with the network.

Britt teaches a system and method to automatically identify errors in programming or data caused by an interruption of service and to correct those errors. It does not identify and correct a configuration parameter associated with the occurrence or cause of that interruption or installing the corrected configuration parameter to restore network communication. While the Applicant acknowledges that the data being downloaded could comprise connection scripts used to establish network communication, there is no mention in Britt of identifying a parameter that is associated with the occurrence of the communication error. Nor does Britt suggest in modifying such a parameter to restore communication. The Examiner argues that if the contents of a file are

corrupted by a communication error, then it is associated with the communication error. The Applicant responds that lacking in the Examiner's statement is the term "occurrence." As discussed in the specification beginning on line 8 of page 27, the parameter associated with the occurrence of the communication error is properly interpreted as the cause of the communication error. A corrupt file that is the result of a communication error as asserted by the Examiner as disclosed in Britt is not associated with the error's occurrence as properly interpreted in light of the specification.

Furthermore, Britt teaches away from the Applicant's invention. Britt teaches detecting and replacing invalid data. As stated in Britt, "some or all of the corrupt information in the flash memory is replaced by correct information downloaded from the Internet." Britt Col. 8, lines 32-34. If, as reasoned by the Examiner, the invalid data associated with the communication error is the connection scripts used to establish communication with the server, (see Office Action dated 8/24/06 citing col. 7, lines 50-53) the solution as disclosed by Britt is to download (replace) the data from the Internet. In Britt, communication with the network is restored and thereafter the configuration parameter is corrected (replaced). The replaced data (the connection scripts) is not used to restore communication with the network as is claimed by the Applicant.

Claims 1 and 10 are therefore deemed not to be anticipated by Britt nor are any of the claims that depend from independent claims 1 and 10. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 4-9 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britt in view of U.S. Patent No. 6,442,690 by Howard et al. ("Howard"). As each of these claims depend from an independent claim, and Howard fails to rectify the deficiencies of Britt as discussed above, these claims

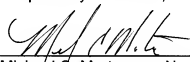
are also deemed patentable over Britt in view of Howard. Reconsideration is requested.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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